

MARY A. SWIFT.

JUNE 21, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CARMACK, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 8765.]

The Committee on Foreign Relations, to whom was referred the bill (H. R. 8765) for the relief of Mary A. Swift, having had the same under consideration, beg leave to submit the following report:

Upon an examination of the Journals of both Houses of Congress, your committee find that in the first session Fifty-Second Congress a bill was favorably reported from the Committee on Foreign Affairs of the House for the relief of Mrs. Mary A. Swift (House Report No. 1061), but failed to receive the action of that body during that Congress.

In the same session and Congress a bill for the relief of the same claimant was favorably reported by Mr. Davis, of Minnesota, from the Senate Committee on Foreign Relations (Senate Report No. 810).

The bill also failed of action in the Senate during that Congress.

Again, in the second session Fifty-third Congress, a similar bill was favorably reported by Mr. Daniel, of Virginia, from the Committee on Foreign Relations (Senate Report No. 319). It again failed to receive action in the Senate during that Congress.

Your committee, upon a further consideration of the subject (which finds itself before it for the third time), affirms its previous action, recommends the passage of the bill, and adopts the former report as the basis of its present action.

The report heretofore made by the committee in two previous Congresses is as follows:

The bill under consideration is for the relief of Mary A. Swift, widow of the late Hon. John F. Swift, who was appointed envoy extraordinary and minister plenipotentiary of the United States to Japan March 16, 1889, and died in that country during the second year of his incumbency of that office, March 10, 1891. The bill appropriates \$12,000 to the beneficiary, being the amount of one year's salary.

There have been many precedents in our diplomatic history where action has been taken by Congress corresponding to that provided for in this bill. Those most readily occurring to the committee include the widows of General Hurlbut and Seth Ledyard Phelps, ministers to Peru in different years; General Kilpatrick, minister to Chile, and Rev. Henry Highland Garnett, minister to Liberia, to each of whom payments were made of a full year's salary, together with many other instances in which smaller payments were authorized to correspond with circumstances of lesser exigency. But the committee has not been able to find any case in which the conditions call for more liberal treatment than that under consideration.

At the time of the appointment of Mr. Swift Japan, under the guidance of enlightened rulers, was groping through the darkness of centuries of Eastern absolutism

toward the light and blessings of representative government. This fact and the fact that this wonderful people looked to ours for inspiration and example led to the selection as minister of Mr. Swift, of California, not merely as a gentleman of high and peculiar qualifications for the mission, but as a resident of the American State most closely allied to that country in nearness and commercial relations.

It will be remembered that, while a more liberal policy has recently obtained, the sections of their cities within which foreigners were permitted to reside were limited to small areas, called "concessions." The house of the American legation was held by lease in the "concession" at Tokyo, an unhealthy locality, where malaria had developed typhoid fever, causing death at the legation. When Mr. Swift arrived this house was uninhabitable from defective drainage and other sanitary imperfections, necessitating a large expenditure to make it fit for occupancy.

After Mr. Swift had occupied it only three months the property was sold, a renewal of the lease was denied, and the new owners demanded and were allowed immediate possession. It thus became necessary to seek new quarters, and a site was chosen near the legations of the other great powers, and Mr. Swift contracted with a wealthy Japanese for the building of the new legation. After the building was about two-thirds completed the Japanese Government bought the entire place without consulting the American minister, and made a tender of it to the United States Government, with the condition that the United States would purchase the house at a cost of \$30,000. The work on the house was discontinued, the foreign office of Japan claiming that it was the business of the contractor to finish it, while the contractor claimed that, as the property had been bought by the Japanese Government, it was their business to complete it. Having been turned out of the old legation, and not being able to live in an unfinished house, it became necessary to finish the house or that Mr. Swift should resign his position as minister to Japan, for the reason that it was necessary to prevent a rupture with the foreign office of the country to which he was accredited.

To complete and furnish the house and office for the legation Mr. Swift was obliged to spend several thousand dollars of his private fortune, which, in consideration of the peculiar complications involved, he expected would be reimbursed to him by the foreign office or his own Government. His sudden death prevented these adjustments and subjected his estate and his widow to almost the total loss of these expenditures.

The committee considers it equitable and just to take into account these facts, which have been furnished for its information by official and other authority, as well as the peculiar laws and customs of the country to which Minister Swift was accredited, and the circumstances which rendered it necessary to avoid complications with the Japanese Government while seeking to extend the friendly and commercial relations he was sent there to promote, and it therefore reports the bill for favorable consideration and recommends its passage.

PRECEDENTS.

Special allowances by Congress to widows of diplomatic representatives who died abroad have been made as follows, as shown by the chief of accounts of the Department of State:

Widow of Bayard Taylor, who died while minister to Germany, \$7,000. (Act of March 3, 1879.)

Widow of General Hurlbut, who died while minister to Peru, one year's salary. (Joint resolution of July 28, 1882.)

Widow of General Kilpatrick, who died while minister to Chile, one year's salary. (Joint resolution of July 28, 1882.)

Widow of Rev. Henry Highland Garnett, who died while minister to Liberia, one year's salary. (Joint resolution, August 1, 1882.)

Widow of George P. Marsh, who died while minister to Italy, balance of one year's salary. (Deficiency act, March 3, 1883.)

Widow of William E. Venable, who died while minister to Guatemala in 1857, \$5,636.87, the balance of one year's salary. (Act of December 23, 1884.)

Widow of E. Rumsey Wing, who died while minister to Ecuador, six months' salary. (Deficiency act, March 3, 1885.)

Widow of William H. Hunt, who died while minister to Russia, six months' salary. (Deficiency act, March 3, 1885.)

Widow of Seth Ledyard Phelps, who died while minister to Peru, \$10,000, one year's salary. (Act of August 3, 1886.)

Widow of Moses A. Hopkins, who died while minister to Liberia, \$2,500, six months' salary. (Deficiency act, March 2, 1889.)